

**From:** [Sam Werner](#)  
**To:** [Kaiser, Libby - CPD CE2159 City Planner Principal](#)  
**Subject:** [EXTERNAL] DO-9 and DO-10 Public Comment  
**Date:** Sunday, February 5, 2023 11:02:45 AM

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Hello Ms. Kaiser,

I'm writing this email to express my opposition for the new proposed zoning overlays for the Cherry Creek East neighborhood. I've lived in this area for 3 years now and the most obvious and pressing issue is that there is not enough housing here. Various neighborhood associations rallied to oppose very minor changes in zoning that would allow new housing to replace either vacant lots or barely-used commercial buildings (the "We Agree On Three" folks, as an example).

These new overlays do absolutely nothing to improve the situation and enable new housing, and they make it more difficult for new housing to be built. I don't have anything in particular against DO-9 (better sidewalks do sound nice, especially by Bayoud and Madison), but DO-10 is just ridiculous. In what way does requiring a porch and *deciduous* trees (none of those conniving coniferous trees) help the neighborhood grow or help pedestrian safety? On top of that, *increasing* the requirement for live landscaping as the state is barreling towards a water crisis seems like a poor decision.

I am disappointed that so many of my neighbors and my Councilmember are on board with what is essentially codifying personal preferences on what a front yard should look like into law. I believe in private property and I object to the idea of an organized group of "neighbors" lobbying the government to prevent homeowners and developers from making their own decisions about what kind of house and yard they want.

Thank you for your time. My apologies for sending this email so close to the deadline - it appears the sign discussing this proposed change and meeting was vandalized, so I did not see it sooner.

Best wishes,  
Sam Werner  
[sam.werner314@gmail.com](mailto:sam.werner314@gmail.com)

**From:** [Trish Beck Palamara](#)  
**To:** [Hinds, Chris - CC Member District 10 Denver City Council](#); [Sawyer, Amanda - CC Member District 5 Denver City Council](#)  
**Cc:** [Kaiser, Libby - CPD CE2159 City Planner Principal](#); [Barge, Abe M. - CPD CE1566 City Planner Supervisor](#); [Brooks Waldman](#); [Bill Tanner](#); [Bill Allen](#); [Ellen Ittelson](#); [Dick Farley](#); [Barbara Metzger](#)  
**Subject:** [EXTERNAL] CCE Commercial and Residential Overlays Support  
**Date:** Monday, February 6, 2023 7:28:03 AM

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Dear Council Members:

I support the proposed Cherry Creek East Commercial and Residential Overlays DO-9 and DO-10 (items #22-1664 and #22-1647) which address a challenge identified during the planning process for the Denver City Council approved 2012 CCAP (Cherry Creek Area Plan). I served on the CCEA (Cherry Creek East Association) board (2004-2014, Board President 2006-2010) and Cherry Creek Steering Committee (2006-2014, Committee Chair 2010-2012) and offer the following perspective as approval for the overlays is considered.

The 2000 Cherry Creek Neighborhood Plan was accompanied by architectural and streetscape design guidelines for CCE (Cherry Creek East). City planning staff and CCE residents had collaborated in crafting the guidelines which successfully and harmoniously facilitated extensive redevelopment in CCE. The guidelines were enforced by city staff and posted on the city's planning website, viewed as a model for positive community engagement, and shared widely with interested RNO (Registered Neighborhood Organizations) and INC (Inter-neighborhood Cooperation) representatives. During my CCEA board tenure, developers routinely expressed appreciation for the guidelines, and redevelopment ranging from single family homes to 12 story apartment complexes occurred while the guidelines were in effect.

While drafting the 2012 CCAP, city staff indicated concern regarding the regulatory authority for the CCE design guidelines (page 72). Acknowledging that "The Cherry Creek East design guidelines promote high quality development" and "...envision continued redevelopment of CCE as an urban, mixed-use neighborhood," the city planning staff could not verify that Denver City Council had approved the 2000 guidelines. In the Cherry Creek East Subarea Recommendations section (page 73), formalizing the design guidelines is identified as a key recommendation. City planning staff subsequently ceased enforcement of the guidelines.

The need to prioritize the formalization of the design guidelines (now termed zoning overlays) was identified in 2012. Due to the concerted effort of multiple parties, particularly Cherry Creek East resident Brooks Waldman and city planners Libby Kaiser and Abe Barge, the overlay documents are now ready for Council consideration. I urge their approval and encourage them as an example for future development efforts citywide.

Thank you for your attention.

Sincerely yours,

**Trish Beck Palamara**

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Respect Science. Respect Nature. Respect People.

**From:** Barbara Metzger <bhm242@comcast.net>  
**Sent:** Wednesday, February 01, 2023 10:11 AM  
**To:** Libby Kaiser; Barge, Abe M. - CPD City Planner Principal  
**Cc:** Hinds, Chris - CC Member District 10 Denver City Council;  
Amanda.Sawyer@denvergov.org; DeAnna Mayes; dick@rf-urbandesign.com; Ellen  
Ittelson; Brooks Waldman  
**Subject:** Fwd: City Council Vote on CCE Overlays, February 6, 2023 - follow up letter to Planning  
Board, 11/2/22  
**Flag Status:** Flagged

Good day, City Council members,

I am repeating information and support as expressed in my letter of October, 2022, to the Planning Board. I would ask that you consider my comments in your deliberations for this specific Overlay vote, and also, as you deliberate future city-initiated plans for transit, zoning, and open space, and Area Plans.

I believe City Council needs to be aware that the primary reason the Cherry Creek East re-zoning of DO-9 and DO-10 are in front of all of you is because of the city's decision to revoke the Cherry Creek East Design Guidelines in 2012/2013 (CCE.) The CCE Guidelines had been enforced, with city approval, and resulted in positive development within CCE for at least 10 years, 2000 to 2012. After approval of the 2012 Cherry Creek Area Plan, the city discovered to the shock of Cherry Creek East Association (CCEA), that CCE Design Guidelines did not have archival proof of City Council approval. They were no longer a valid source in zoning review, site review, or any decision-making relevant to development or re-development in Cherry Creek East. The controversial revocation of a perceived and approved city document left CCEA in limbo, especially for residential development guidance from 2012 until about 2018.

My comments about revocation of once adopted plans gain more relevance with current amendments in city-adopted plans that are changing the scope of the city-adopted Cherry Creek Area Plan of 2012 (CCAP). The CCAP is quoted and used for upcoming plans, i.e. DMCC (DenverMovesCherryCreek), but it remains to be seen if the CCAP's relevance is at risk because it has not been amended or updated in 10 years. The city/City Council, when approving area plans, should communicate to the plan's constituents if they bear responsibility for updating their plan. If the city bears no responsibility for responding to the relevance, projects, and or vision of the original plan, that should also be communicated.

Our Zoning Code is constantly updated with new mapping or new text, providing a document that maintains relevance and enforceable principles. It appears to be a fundable item in the budget. I am suggesting a similar approach be considered for long-term plans and area plans.

So, DO-9 and DO-10 are really an attempt at a "do-over", creating a re-zoned map and text amendment to replace the revoked CCE Design Guidelines. It took an amazing amount of time and effort on DO-9 by Brooks Waldman, consultants Dick Farley and Ellen Ittelson, along with probably close to 4 years of support from CCEA leaders.

Specifically, DO-9 is a thorough, well developed product that will not hinder commercial development in Cherry Creek East, but enhance the possibility for commercial real estate values. It appears that there is confidence in this approach that may be beneficial for other Denver neighborhoods to use this template, as a paid-for, approved toolkit for better zoning possibilities. It is guided by Denver's principles for expanding open space when possible, yet allowing for continued commercial density locations within residential boundaries, while respecting the pedestrian experience,

trying to build a better connection between residential and commercial parcels, and a commitment to the vision of better building materials that do not impede a better quality of life. It is the hope that DO-9 will be maintained, not revoked.

DO-10 needed the same amount of CCEA leadership efforts and the skill sets of Libby Kaiser and Abe Barge, the city staff necessary to craft the DO-10 product before you.

DO-10, though certainly not as comprehensive as CCE Design Guidelines, is the re-application of CCE Design Guidelines' basic development requests for private residential parcels to provide a safer and more secure public realm, incorporating the important impact of appropriate landscaping, necessary for better outcomes for stormwater drainage and drought possibilities. It is hoped that these common sense applications can be maintained as a permanent template for all Denver neighborhoods in our Zoning Code.

Thank you very much for your time in reviewing my comments. Please contact me if you have any questions.

Respectfully,

Barbara H Metzger  
242 S Monroe St  
720.278.3546

**From:** [brookswaldman@gmail.com](mailto:brookswaldman@gmail.com)  
**To:** [Kaiser, Libby - CPD CE2159 City Planner Principal](#); [Barge, Abe M. - CPD CE1566 City Planner Supervisor](#); [Sawyer, Amanda - CC Member District 5 Denver City Council](#); [Hinds, Chris - CC Member District 10 Denver City Council](#); [Kashmann, Paul J. - CC Member District 6 Denver City Council](#); [Black, Kendra A. - CC Member District 4 Denver City Council](#); [kneichatlargo@denvergov.org](mailto:kneichatlargo@denvergov.org); [Ortega, Deborah L. - CC Member At Large Denver City Council](#)  
**Cc:** [B Tanner](#); [Bill Allen](#); [Barry Lazarus](#); [Barbara H. Metzger](#); [Dick Farley](#); [Ellen Ittelson](#); [Trish Beck Palamara](#)  
**Subject:** [EXTERNAL] Support for CCE Design Overlays (DO-9) & (DO-10)  
**Date:** Sunday, February 5, 2023 3:01:58 PM  
**Attachments:** [Barbara Metzger Letter \(2-1-23\).pdf](#)

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Dear Council Members:

Please except this email written in support of Items #22-1664 and #22-1647, concerning bills for approval related to proposed Cherry Creek East design overlays (DO-9) and (DO-10).

As an introduction, I have been a property owner in Cherry Creek East for over forty years, and a resident for over twenty years, and served on the board of Cherry Creek East Association (CCEA) and as a past president. As a board member and later as president of CCEA, I was deeply engaged in the 2010 rezoning and the preparation and approval of the [Cherry Creek Area Plan \(CCAP\)](#) in 2012. Since my background is in architecture, urban design and planning I have endeavored to promote the improvement and betterment of my neighborhood for many years.

That said, I have also participated in the efforts towards developing the above referenced overlays, in particular Overlay DO-9, over the last four or more years. Working directly with our planning Consultants, vested property owners, and with CPD staff we have forged the referenced overlays. We believe that this ordinance amending the Denver Zoning Code, establishing the Cherry Creek East Mixed Use Design Overlay zone district and the Cherry Creek East Residential Design Overlay zone district will greatly improve our neighborhood viability and vitality and insure a better pedestrian experience and mobility. I hope that this work can also be exemplary for use in other Denver neighborhoods as well.

I would also like to make reference to [Barbara Metzger's letter to you dated February 1 \(Attached Above\)](#). In that letter is a well-presented historical background on CCE plans and RNO policy during her tenure as vice president of CCEA. She has covered a lot of ground related to the need for overlays and why they are important to the CCE neighborhood.

Thank you for considering my comments regarding these proposed ordinances. If you should have any questions for me, please do not hesitate to reach me at the contacts below.

Respectfully,

*Brooks Waldman*

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[Denver, CO 80209](#)  
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